

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	04 C 3287	DATE	10/18/2004
CASE TITLE	LOIS JONES vs. MARIAM HARRISON		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

MEMORANDUM OPINION AND ORDER

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due ____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due ____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion And Order. Plaintiff's motion for leave to appeal in forma pauperis is denied.
- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	LG courtroom deputy's initials	U.S. DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS 19 OCT 19 6 11 PM '04	number of notices	Document Number 19
			OCT 20 2004 date docketed	
			 docketing deputy initials	
			date mailed notice	
			mailing deputy initials	
		Date/time received in central Clerk's Office		

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LOIS JONES,

Plaintiff,

vs.

MARIAM HARRISON,

Defendant.

No. 04 C 3287

DOCKETED
OCT 20 2004

MEMORANDUM OPINION AND ORDER

Plaintiff Lois Jones brought this *pro se* action against defendant Cook County Probate Judge Miriam Harrison, alleging slander, conspiracy, violation of rights under the Fourteenth Amendment, and violation of 42 U.S.C. § 1983. We denied plaintiff's petition to proceed *in forma pauperis* and her four successive motions to reconsider. See Jones v. Harrison, 2004 WL 1088232 (N.D.Ill. 2004); Jones v. Harrison, 2004 WL 1199568 (N.D.Ill. 2004); Jones v. Harrison, 2004 WL 1803355 (N.D.Ill. 2004); Jones v. Harrison, 2004 WL 2095646 (N.D.Ill. 2004); Jones v. Harrison, 2004 WL 2260639 (N.D.Ill. 2004). Plaintiff has now filed a "Notice of Appeal." We understand this as a petition for leave to appeal *in forma pauperis* our decision to deny her original petition.

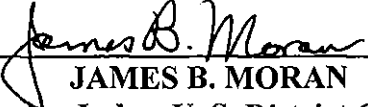
An appeal may not be taken *in forma pauperis* if the trial court certifies that it is not taken in good faith. 28 U.S.C. § 1915(a). The Seventh Circuit has cautioned that it is "presumptively erroneous" for a court to grant leave to appeal *in forma pauperis* after dismissing a suit as frivolous. Hains v. Washington, 131 F.3d 1248, 1250 (7th Cir. 1997)(citing Tolefree v. Cudahy, 49 F.3d 1243, 1244 (7th Cir. 1995)). Nonetheless, "[e]xceptional cases may arise in which a district court grants leave to appeal *in forma pauperis* to a plaintiff who

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appeals a close question under § 1915A in good faith.” Hains, 131 F.3d at 1250. As our previous decisions on plaintiff’s various motions to reconsider make clear, this is not one of those exceptional cases. Plaintiff has failed to state any basis for appeal in her new motion. For the reasons stated in our previous decisions in this case, we find that this appeal lacks an arguable basis and deny plaintiff leave to appeal *in forma pauperis*.

CONCLUSION

Plaintiff’s motion for leave to appeal *in forma pauperis* is denied.



JAMES B. MORAN
Senior Judge, U. S. District Court

Oct. 18, 2004.